



04-25-05

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DOCKET NO.: MSFT-0244/148481.1

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Jules S. Cohen, et al.

Application No.: 09/768,446

Filing Date: January 24, 2001

**For: SYSTEM AND METHOD FOR INCREMENTAL AND REVERSIBLE DATA
MIGRATION AND FEATURE DEPLOYMENT**

Confirmation No.: 2394

Group Art Unit: 2151

Examiner: Jean, Frantz B.

EXPRESS MAIL LABEL NO: EV 325729592 US
DATE OF DEPOSIT: April 22, 2005

EV325729592US

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed **December 22, 2004** finally rejecting claims **8-14, 26-30 and 33-39** of the above-identified patent application.

The item(s) checked below are appropriate:

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as :
- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of December 22, 2004 to and through April 22, 2005 comprising an extension of the shortened statutory period of one month.

04/26/2005 EFLORES 00000015 09768446

01 FC:1401
02 FC:1251

500.00 OP
120.00 OP

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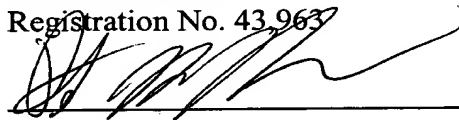
| | SMALL ENTITY | | NOT SMALL ENTITY | |
|---|--------------|-------|------------------|----------|
| | RATE | FEE | RATE | FEE |
| <input checked="" type="checkbox"/> NOTICE OF APPEAL | \$200 | \$ | \$500 | \$500.00 |
| <input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME | \$60 | \$ | \$120 | \$120.00 |
| <input type="checkbox"/> TWO MONTH EXTENSION OF TIME | \$225 | \$ | \$450 | \$ |
| <input type="checkbox"/> THREE MONTH EXTENSION OF TIME | \$510 | \$ | \$1020 | \$ |
| <input type="checkbox"/> FOUR MONTH EXTENSION OF TIME | \$795 | \$ | \$1590 | \$ |
| <input type="checkbox"/> FIVE MONTH EXTENSION OF TIME | \$1080 | \$ | \$2160 | \$ |
| <input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID | minus | (\$) | minus | (\$) |
| TOTAL FEE DUE | | \$0 | | \$620.00 |

- ☒ A check in the amount of **\$620.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$.00. This sheet is attached in duplicate.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.

Date: April 22, 2005

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